IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 3RD DECEMBER 2007 / 12TH AGRAHAYANA 1929

WA.No. 1821 of 2007()

APPELLANT: RESPONDENTS IN THE WRIT PETITION:
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1. **STATE OF KERALA,**
   REP. BY THE SECRETARY TO GOVERNMENT, DEPARTMENT OF HIGHER EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

2. **THE DIRECTOR OF COLLEGIATE EDUCATION,**
   VIKAS BHAVAN, THIRUVANANTHAPURAM.

3. **THE DEPUTY DIRECTOR OF COLLEGIATE EDUCATION, KOTTAYAM.**

4. **THE ACCOUNTANT GENERAL (A & E),**
   KERALA , THIRUVANANTHAPURAM.

5. **THE SUB TREASURY OFFICER, THIRUVALLA.**

BY GOVERNMENT PLEADER SRI.N.MANOJ KUMAR

RESPONDENTS: PETITIONERS IN THE WRIT PETITION:
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1. **M. CHANDRASEKHARAN PILLAI,**
   RETD. LECTURER (SELECTION GRADE)(ENGLISH),
   N.S.S. HINDU COLLEGE, CHANGANASSERY, RESIDING AT MONTHRA HOUSE, CATHANKARARY P.O., THIRUVALLA, PATHANAMTHITTA DISTRICT.

2. **THE PRINCIPAL,**
   N.S.S. HINDU COLLEGE, CHANGANASSERY.

BY ADV. SRI.S.HARIKRISHNAN

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 03/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & T.R.RAMACHANDRAN NAIR, JJ.

W.A.No.1821 OF 2007

Dated this the 3rd day of December, 2007

JUDGMENT

Radhakrishnan, J.

The issue raised in this appeal is covered by the judgment of this court in W.A.No.2523/02. In view of the Kerala Service (Eleventh Amendments) Rules , 2006 which has got retrospective effect from 15th May 1986, judgment of the learned Single is set aside. Therefore the direction given to the respondents to pay arrears of salary and other retiral benefits to the petitioner with effect from 01/01/1996 till 31/03/1996 as per the revised scale of pay cannot be counted for the purpose of pension. Learned counsel for the respondents submits that respondents propose to challenge the amendment. Leaving open the right of the respondents to challenge the amendment, this appeal is allowed.

K.S.RADHAKRISHNAN
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

sv.